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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,246	12/20/1999	IAN M. WRIGHT	M-7825US	3396
33031	7590	01/09/2004	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP			TRAN, PHUC H	
4807 SPICEWOOD SPRINGS RD.			ART UNIT	
BLDG. 4, SUITE 201			PAPER NUMBER	
AUSTIN, TX 78759			2666	

DATE MAILED: 01/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/468,246

Applicant(s)

WRIGHT, IAN M.

Examiner

PHUC H TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (U.S. Patent No. 6067298) in view of Khacherian et al. (U.S. Patent No. 5768257).

- With respect to claims 1, 6, 10, 12, & 17, Shinohara teaches an apparatus for switching packets from a network (e.g. Fig. 1), the apparatus comprising:

an ingress receiver that receives packets from the network ("inbound packets") (block 20 in Fig. 1), the packets being destined for an associated output queue (each buffers 24 corresponds to buffers 31 as show in Fig. 1);

a switch fabric coupled to receive the inbound packets from the ingress receiver (block 102 in Fig. 1);

and an output traffic manager coupled to receive packets from the switch fabric ("outbound packets") (block 110 and 111 in Fig. 1), wherein the output traffic manager includes at least one queue (queue 31 in Fig. 1), the output traffic manager selectively stores outbound packets into a selected queue (col. 7, lines 24-27) and selectively drops outbound packets when the selected queue is at a certain fullness level (col. 3, lines 37-44), and approximately when the output traffic manager drops outbound packets or is about to drop the outbound packets.

Shinohara fails to teach the output traffic manager communicates to the ingress receiver to drop

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inbound packets destined for that queue. Khacherian from the same or similar fields of endeavor teaches the dropping outbound packets at input queue (bridge paragraph between cols. 2-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the dropping method of Khacherian into Shinohara at the input buffer to reduce the traffic load and during the congested period.

- With respect to claims 2, 11, & 16, Shinohara also teaches wherein the output traffic manager identifies at least the designation of imminently droppable or dropped outbound packets, and wherein the ingress receiver drops inbound packets based on an identified designation (e.g. output data controller monitors buffers and communicates back to input data controller, col. 4, lines 5-17).

- With respect to claims 3, & 18, Shinohara discloses wherein the designation comprises a port address to the network, or a class of service or virtual private network (e.g. the information of cells as Fig. 2).

- With respect to claims 7 and 22, Shinohara teaches wherein the ingress receiver discontinues inbound packet drop after a predetermined time (col. 14, lines 38-46).

- With respect to claims 8, 13, & 21, Shinohara discloses wherein the output traffic manager uses the switch fabric to communicate to the ingress receiver to drop inbound packets (block 102 in Fig. 1).

- With respect to claims 9, & 14, Shinohara also discloses wherein the output traffic manager uses a dedicated communications bus to communicate to the ingress receiver to drop inbound packets (line 70 in Fig. 1).

- With respect to claims 15, & 23, Shinohara teaches a method of reducing packet traffic through a switching fabric (e.g. the method controlling the buffering as Fig. 1), the method comprising:

receiving packets from a network ("inbound packets") (block 20 in Fig. 1);

transmitting each packet to the switching fabric (e.g. cells go through block 102 in Fig.

1);

selectively queuing packets from the switching fabric (queues 103 in Fig. 1);

detecting imminent or active dropping of packets ("dropped packets") due to a queue being full (block 115);

signaling to drop inbound packets destined for the queue (line 60 in Fig. 1);

and dropping inbound packets destined for the queue (col. 4, lines 5-17).

Shinohara fails to teach the output traffic manager communicates to the ingress receiver to drop inbound packets destined for that queue. Khacherian from the same or similar fields of endeavor teaches the dropping outbound packets at input queue (bridge paragraph between cols. 2-3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the dropping method of Khacherian into Shinohara at the input buffer to reduce the traffic load and during the congested period.

Response to Amendment

3. Applicant's arguments, filed 10/1703, with respect to the rejection(s) of claim(s) 1-23 under Shinohara has been fully considered and are persuasive. Therefore, the rejection has been

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withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shinohara and Khacherian.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
January 7, 2004



DANG TON
PRIMARY EXAMINER